OPENING STATEMENT

Last month, a federal district court issued a ruling with potentially far-reaching effects on the regulation of Indian gaming. In *Colorado River Indian Tribes v. National Indian Gaming Commission,* the court held that the Indian Gaming Regulatory Act, as it is now written, does not give the NIGC authority to issue or enforce regulations which address the day-to-day operations of Class III gaming facilities— the so-called Minimum Internal Control Standards, or MICS. Class III gaming represents the lion's share of revenue created by Indian gaming.

The focus of today's hearing is not whether or not the court's decision was correct. Instead, the question before us today is: among tribes, states, and the federal government how do we make sure that there is adequate regulation of Class III gaming?

Before we begin the hearing, I have a comment on another regulatory matter. In April I requested that the Department of Justice and NIGC put their heads together to see if they could come up with a proposal to address the ongoing litigation and controversy surrounding class II bingo machines. I understand that the DOJ and the NIGC have concluded their discussions regarding a potential statutory fix. While the Department has not shared this proposal with the Committee, I look forward to seeing it in the very near future.

Vice Chairman Dorgan, . . .